United Nations S/AC.44/2004/(02)/155

# Security Council

Distr.: General
6 November 2009

Original: English

**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 17 September 2008 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations presents its compliments to the secretariat of the 1540 Committee of the United Nations and has the honour to submit the 1540 report of Saint Vincent and the Grenadines (see annex).

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations has the honour to further inform that it looks forward to working with the Committee on the next steps of implementation of the resolution, including with assistance requests.

09-59776 (E) 241109

Please recycle

## Annex to the note verbale dated 17 September 2008 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

## Report of the Government of Saint Vincent and the Grenadines pursuant to Security Council resolution 1540 (2004)

### Introduction

The Government of Saint Vincent and the Grenadines is committed to carrying out the objectives of the United Nations in its fight against the threat to international peace and security posed by terrorism. The Government of Saint Vincent and the Grenadines takes this opportunity to reiterate that it does not possess, nor has any intention of possessing, any weapons of mass destruction.

The Government of Saint Vincent and the Grenadines does not and has not supported or encouraged the proliferation of nuclear, chemical or biological weapons and firmly supports the international community on issues relating to disarmament and non-proliferation of weapons of mass destruction.

### Measures taken by the Government of Saint Vincent and the Grenadines in relation to the specific issues in the operative paragraphs of the resolution

*Operative paragraph 1*

*Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.*

The Government of Saint Vincent and the Grenadines is committed to disarmament and non-proliferation of weapons of mass destruction and their means of delivery, and has not provided and does not intend to provide support of any form to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

As an indication of its commitment, Saint Vincent and the Grenadines is a party to the following international instruments:

- 1925 Geneva Protocol
- APM Convention (Mine-Ban Convention)
- Biological Weapons Convention
- Chemical Weapons Convention
- The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD)
- Nuclear Non-Proliferation Treaty
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Additionally, Saint Vincent and the Grenadines is a State party to 10 of the international conventions and protocols on counter-terrorism, namely:

- 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft
- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- 1979 International Convention on the Taking of Hostages
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 1997 International Convention for the Suppression of Terrorist Bombing
- 1999 International Convention for the Suppression of the Financing of Terrorism

*Operative paragraph 2*

*Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.*

To give effect to the main multilateral conventions on weapons of mass destruction, Saint Vincent and the Grenadines has implemented, inter alia, the following legislative measures:

**(1) Prohibition of nuclear weapons-related activities by non-State actors**

Saint Vincent and the Grenadines does not have domestic legislation specifically prohibiting non-State actors from manufacturing, acquiring or transferring nuclear weapons. However, there are several pieces of relevant legislation that may cover these issues.

**(2) Prohibition of chemical weapons-related activities by non-State actors**

In 2003, the Chemical Weapons (Prohibition) Act (No. 44 of 2003) was implemented in order to incorporate into the law of Saint Vincent and the Grenadines the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Section 5 of this Act stipulates that every person commits an offence who intentionally or recklessly develops, produces, otherwise acquires, stockpiles, or retains chemical weapons; or transfers, directly or indirectly, chemical weapons to another person; or uses chemical weapons; or engages in any military preparations to use chemical

weapons; or assists, encourages, or induces, in any way, any person to engage in any activity prohibited to a State party under the Convention, and is liable on conviction on indictment to imprisonment for life or a fine not exceeding $1,000,000.

**(3) Prohibition of biological weapons-related activities by non-State actors**

The Biological Weapons Act, Act No. 9 of 1992, was implemented to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons. The Act states that it is an offence to develop, produce, stockpile, acquire or retain any biological agent or toxin of a type and in quantity that has no justification for prophylactic, protective or other peaceful purpose.

The same Act also states that it is an offence to develop, produce, stockpile, acquire or retain any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes in armed conflict.

**(4) Measures common to (1)-(4)**

In all cases mentioned above, section 20 of the Criminal Code, of Saint Vincent and the Grenadines, chapter 124 of the 1990 Revised Laws, establishes the offence of joint offenders, aiding, abetting and procuring to the criminal act.

Additionally Saint Vincent and the Grenadines has in place the Mutual Assistance in Criminal Matters Act, No. 46 of 1993, which enables the Attorney General to provide assistance to other countries in connection with investigations, inquiries and proceedings in criminal matters.

In relation to the financing of terrorism, Saint Vincent and the Grenadines has enacted the following legislation:

- Proceeds of Crime and Money Laundering (Prevention) Act, No. 39 of 2001 (as amended in 2002 and 2006) — This Act provides for the prevention of money-laundering and related matters and apply to any property whether or not situated in Saint Vincent and the Grenadines.
- Proceeds of Crime (Money-Laundering) Regulations of 2002.
- International Financial Services Authority, No. 28 of 2003 — This Act amends/renames the Saint Vincent and the Grenadines Offshore Finance Authority Act.
- Financial Intelligence Unit Act, No. 38 of 2001 — This Act established the Financial Intelligence Unit, the national centralized unit in Saint Vincent and the Grenadines for the collection, analysis and dissemination of suspicious transaction information to competent authorities.

*Operative paragraph 3*

*Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:*

*(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;*

Although Saint Vincent and the Grenadines does not and has not developed or have in its possession nuclear, chemical or biological weapons, the State has in place legislation to ensure that such activities do not take place within its borders.

In relation to chemical weapons, the Chemical Weapons (Prohibition) Act states that the production, acquisition, use, or retention of any Schedule 1 chemicals of the Act or the importation or exportation of Schedule 1, 2 and 3 chemicals without the consent of the Minister is prohibited. The Permanent Secretary of the Ministry of Foreign Affairs, Commerce and Trade is the National Chemical Weapons Authority.

In relation to biological weapons, the Biological Weapons Act, Act No. 9 of 1992 makes accountable any person who develops, produces, stockpiles, acquires or retains any biological agent or toxin of a type and in quantities other than for prophylactic, protective or other peaceful purpose.

*(b) Develop and maintain appropriate effective physical protection measures;*

On 8 January 1992 an agreement was concluded between the Government of Saint Vincent and the Grenadines and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

*(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;*

Saint Vincent and the Grenadines has ensured that all ports of entry are properly secured and are in compliance with international regulations and requirement. The State has updated customs procedures, documentation and registration and exchange control measures electronically using the Automated System for Customs Data software (ASYCUDA) world system.

Additionally, the following legislative measures are in place:

- Customs (Control and Management) Act, No. 14 of 1999 as amended
- Import and Export (Control) Regulations, No. 10 of 1992
- Port Authority Act, 1987
- Plant Protection Act, No. 15 of 2005

The Annual Conference of the Caribbean Customs Law Enforcement Council (CCLEC), 21-24 May 2008, focused on the theme of "Security and Facilitation: the Way of the Future". The CCLEC agreed to pursue capacity-building initiatives with the WCO and other international agencies to modernize customs administrations and build management and leadership capacity. To further these objectives, a Declaration of Intent to implement the WCO SAFE Framework of Standards was signed between the WCO and CCLEC at the WCO Council Session in June 2008.

As a result of this agreement, Members of the CCLEC, including Saint Vincent and the Grenadines, will become eligible for assistance under the WCO's Columbus assistance programme on capacity-building to facilitate improving border controls.

Saint Vincent and the Grenadines will examine the prospects for assistance from the WCO and others to further develop these measures that contribute to implementation of resolution 1540.

*(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;*

Saint Vincent and the Grenadines implemented the Import and Export (Control) Regulations, No. 10 of 1992 so that appropriate legislation could be made for importation and exportation.

The Firearms Act, 1995 controls the transportation of prohibited and restricted weapons and ammunition.

*Operative paragraph 6*

*Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;*

The Immigration Authorities of Saint Vincent and the Grenadines have the power to restrict the entry into Saint Vincent and the Grenadines of persons known or suspected to be terrorists or involved in terrorism.

*Operative paragraph 7*

*Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;*

Saint Vincent and the Grenadines will give active consideration to the submission of a request for assistance on its next steps to implement resolution 1540. After consultation with the CCLEC/WCO, CARICOM and OECS, such assistance might be part of a regional initiative(s).

*Operative paragraph 8*

*(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;*

Saint Vincent and the Grenadines is a party to several international instruments which aim to prevent the proliferation of nuclear, biological or chemical weapons. It has placed great emphasis on the full implementation of these instruments.

*(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;*

Saint Vincent and the Grenadines has implemented legislation to give effect to its obligations relating to multilateral non-proliferation treaties to which it is a State party.

*(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;*

Saint Vincent and the Grenadines reaffirms its commitment to international cooperation in these areas.

*Operative paragraph 9*

*Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;*

Saint Vincent and the Grenadines is always willing to promote dialogue and cooperation on non-proliferation in order to address the threats posed by terrorism.

**Conclusion**

Saint Vincent and the Grenadines is vigilant in the fight against terrorism and will continue to assist the international fight against the proliferation and illicit traffic in nuclear, chemical or biological weapons, their means of delivery and related material.